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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,212	03/03/2005	Carolina Adriana Pijper	PTT-145/APP	7499

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EXAMINER

LEWIS, JONATHAN V

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/526,212

Applicant(s)

PIJPER, CAROLINA ADRIANA

Examiner

Jonathan Lewis

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37.CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Gresh et al. (WO 01/39506 A2).

Regarding claim 1, Gresh et al. teaches a method of directing a broadcast with participation of a plurality of participants through the use of an interactive application on a participant device (Abstract), comprising the steps of: downloading said interactive application on said participant device (page 3, lines 14-16); using said interactive application off-line on said participant device, synchronized with the broadcast (Abstract); registering participant input on said participant device (page 14, line 23 – page 15, line 3); submitting said participant input (page 24, claim 15).

Regarding claim 2, Gresh et al. teaches a method according to claim 1 also comprising the steps of: collecting and analyzing all participant input and delivering the results of said analyzing to all participants (page 19, lines 15-17; lines 19-20).

Regarding claim 3, Gresh et al. teaches a method according to claim 1 in which said downloading of said interactive application takes place before said broadcast (page 3, lines 14-16).

Regarding claim 4, Gresh et al. teaches a method according to claim 1 in which said submitting of said participant input takes place after said broadcast has ended (Abstract discloses the submission of participant input for prerecorded shows).

Regarding claim 5, Gresh et al. teaches a method according to claim 1 in which said interactive application comprises synchronization information (page 2, lines 20-23).

Regarding claim 6, Gresh et al. teaches a method according to claim 5 in which said interactive application and said synchronization information are downloaded on separate points in time (page 3, lines 14-16 is the downloading of the application; page 20, lines 10-15 discloses the synchronization information being downloaded).

Regarding claim 8, Gresh et al. teaches a method according to claim 1 in which said interactive is downloaded from the Internet site of said broadcast (page 20, lines 10-11).

Regarding claim 9, Gresh et al. teaches a method according to claim 1 in which said participant device is capable of communicating through the Internet (Abstract).

Regarding claim 10, Gresh et al. teaches a method according to claim 1 in which said broadcast is a TV game show (page 1, lines 21-22).

System claims 11-13 are rejected for the same reasons as discussed in the corresponding method claims above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gresh et al. (WO 01/39506 A2) in view of Boland et al. (US Pat. No. 4,484,218).

Regarding claim 7, Gresh et al. teaches all the claim limitations as stated above, except said interactive application comprises a time slot for said submitting of the participant input.

However, Boland et al. teaches said interactive application comprises a time slot for said submitting of the participant input (col. 4, lines 21-26).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to have a time slot for submitting participant input, in order to avoid congestion within the network by staggering the input of multiple participants.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Houghton US PG Pub. No. 2002/0124247

b. Freeman et al. US PG Pub. No. 2004/02621127

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Lewis whose telephone number is (571) 270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


BRIAN PENDLETON
SUPERVISORY PATENT EXAMINER